



**Kemper County School District  
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# **KCSD Section 504 Procedures**

# KCSD Section 504 Procedures

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## I. Referral Process

Any student suspected of having a disability that substantially limits a major life activity may be referred for a Section 504 evaluation.

### A. Referrals can be made by:

1. Parents or legal guardians
2. Teachers
3. School counselors
4. Administrators
5. Other school staff
6. The student (if age-appropriate)

### B. Submission of Referrals

1. All referrals must be submitted in writing to the Section 504 Coordinator using the district's standard referral form. The form should include:

- a) *Student's name and grade*
- b) *Reason for referral*
- c) *Description of the suspected disability*
- d) *Impact on student's education*
- e) *Interventions or accommodations already tried*
- f) *Referrer's contact information*

### C. Receipt of Referrals

1. The Section 504 Coordinator will log the referral within 24 hours of receipt in a centralized tracking system, noting:

- a) *Date received*
- b) *Student name*
- c) *Referrer name*
- d) *Suspected disability*

### D. Timeline of Referral

1. Within 14 calendar days of receiving the referral:
  - a) *The Coordinator will review the referral for completeness*
  - b) *If additional information is needed, the Coordinator will contact the referrer*

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- c) *The Coordinator will send a written response to the parent/guardian, including:*
  - (1) Acknowledgment of the referral
  - (2) A copy of the Section 504 procedural safeguards
  - (3) An invitation to a meeting to discuss the referral and potential need for evaluation
  - (4) A consent form for evaluation, if appropriate
- 2. The Coordinator will maintain documentation of all communication and actions taken during the referral process.

### II. Evaluation Procedures

#### A. Initial Steps:

- 1. Upon receiving written parental consent, the evaluation process will begin.
- 2. The Section 504 Coordinator will assemble an evaluation team within 5 school days.

#### B. Timeline:

- 1. The evaluation must be completed within 60 calendar days of receiving parental consent.
- 2. If additional time is needed, written parental agreement must be obtained.

#### C. Evaluation Team:

- 1. The team must include individuals knowledgeable about:
  - a) *The student*
  - b) *Evaluation procedures*
  - c) *Available accommodations and services*
- 2. Typically includes: Section 504 Coordinator, student's teacher(s), school counselor, and other relevant specialists.

#### D. Comprehensive Evaluation:

- 1. Review of existing data, including:
  - a) *Academic records*
  - b) *Standardized test scores*
  - c) *Medical records (with parent consent)*
  - d) *Attendance records*
  - e) *Disciplinary records*

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- f) *Teacher observations*
  - g) *Parent input*
- 2. Additional assessments as needed, which may include:
  - a) *Academic assessments*
  - b) *Behavioral assessments*
  - c) *Social/emotional evaluations*
  - d) *Medical evaluations (if necessary and with parent consent)*
- E. Evaluation Standards:
  - 1. All evaluation materials must be:
    - a) *Validated for the specific purpose for which they are used*
    - b) *Administered by trained personnel in conformance with the instructions provided by their producer*
    - c) *Tailored to assess specific areas of educational need*
    - d) *Selected and administered to ensure that results accurately reflect the student's aptitude or achievement level*
- F. Consideration of Mitigating Measures:
  - 1. The team must consider the impact of the disability without mitigating measures (e.g., medication, assistive technology).
- G. Documentation:
  - 1. All aspects of the evaluation process must be documented, including:
    - a) *Data reviewed*
    - b) *Assessments conducted*
    - c) *Team discussions*
    - d) *Parent input*
- H. Evaluation Report:
  - 1. A written evaluation report will be prepared, summarizing:
    - a) *Evaluation procedures used*
    - b) *Results of assessments*
    - c) *Other relevant data considered*
    - d) *Recommendations for eligibility*
- I. Parent Participation:
  - 1. Parents must be given the opportunity to provide input and participate in the evaluation process.
  - 2. Parents should be kept informed of the progress of the evaluation.



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- J. Confidentiality:
    - 1. All evaluation information must be kept confidential and stored securely.
    - 2. Access to evaluation data should be limited to those with a legitimate educational interest.
  - K. Reevaluation:
    - 1. Reevaluations must follow the same procedures as initial evaluations.
    - 2. Reevaluations should occur at least every three years or more frequently if conditions warrant.
- III. Eligibility Determination
- A. Eligibility Meeting:
    - 1. Schedule the meeting within 10 school days of completing the evaluation.
    - 2. Provide written notice to parents at least 7 calendar days before the meeting.
  - B. Eligibility Team Composition:
    - 1. The team must include:
      - a) *The student's parent(s)/guardian(s)*
      - b) *At least one of the student's general education teachers*
      - c) *A person knowledgeable about the evaluation data (e.g., school psychologist, evaluator)*
      - d) *The Section 504 Coordinator or designee*
      - e) *Other relevant school personnel as appropriate (e.g., counselor, nurse)*
    - 2. The student may attend if appropriate and if the parent agrees.
  - C. Review of Evaluation Data:
    - 1. The team will review all relevant information, including:
      - a) *Evaluation results*
      - b) *Aptitude and achievement tests*
      - c) *Teacher recommendations*
      - d) *Physical condition*
      - e) *Social and cultural background*
      - f) *Adaptive behavior*

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- D. Eligibility Criteria:
1. The team will determine if the student meets all three criteria:
    - a) *Has a physical or mental impairment*
    - b) *That substantially limits*
    - c) *One or more major life activities*
- E. Considerations:
1. The determination must be made without regard to mitigating measures (e.g., medication, assistive technology).
  2. The impairment must substantially limit a major life activity to a considerable or large degree.
  3. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.
- F. Major Life Activities:
1. Include, but are not limited to: learning, reading, concentrating, thinking, communicating, walking, seeing, hearing, speaking, breathing, eating, sleeping, standing, lifting, bending, and major bodily functions.
- G. Documentation:
1. The eligibility decision will be documented using the district's standard eligibility form.
  2. The form must include:
    - a) *The specific disability identified*
    - b) *The major life activity substantially limited*
    - c) *The basis for the determination*
    - d) *Signatures of all team members*
- H. Parental Rights:
1. Inform parents of their right to agree or disagree with the decision.
  2. Provide parents with a copy of the eligibility determination and their procedural safeguards.
- I. Next Steps:
1. If eligible: Proceed to developing a 504 plan within 30 calendar days.
  2. If not eligible: Provide parents with written notice of the decision and their right to appeal.
- J. Temporary Disabilities:

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1. Consider whether temporary impairments (lasting or expected to last 6 months or less) substantially limit a major life activity.
- K. Review of Eligibility:
1. Eligibility should be reviewed periodically.
  2. Eligibility may be reviewed earlier if requested by parents or school staff.
- IV. Development of 504 Plan
- A. Timeline:
1. If the student is eligible, a 504 plan must be developed within 30 calendar days of the eligibility determination.
  2. Schedule the meeting within 10 school days of eligibility determination.
- B. 504 Plan Team Composition:
1. The team must include:
    - a) *The student's parent(s)/guardian(s)*
    - b) *At least one of the student's general education teachers*
    - c) *The Section 504 Coordinator or designee*
    - d) *Other relevant school personnel as appropriate (e.g., counselor, nurse, specialists)*
  2. The student should be included when appropriate, especially for secondary students.
- C. Meeting Notification:
1. Provide written notice to parents at least 7 calendar days before the meeting.
  2. Include the purpose, time, location, and attendees of the meeting.
- D. Preparation:
1. Gather relevant information (e.g., evaluation data, teacher observations, grades, test scores).
  2. Teachers should come prepared with suggestions for accommodations.
- E. Plan Development:
1. The 504 plan should specify:
    - (1) The student's disability and how it affects a major life activity

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- (2) Necessary accommodations, aids, and services, including:
  - (a) *Instructional accommodations*
  - (b) *Environmental accommodations*
  - (c) *Testing accommodations*
  - (d) *Behavioral accommodations (if applicable)*
  - (e) *Person(s) responsible for implementing each accommodation*
- (3) Timeline for implementation and review

### F. Accommodations Considerations:

1. Ensure accommodations are:
  - a) *Necessary for equal access*
  - b) *Reasonable and specific*
  - c) *Based on individual student needs*
  - d) *Not fundamentally altering the curriculum*

### G. Documentation:

1. Use the district's standard 504 Plan form.
2. Ensure all team members sign the plan.
3. Provide a copy of the completed plan to parents.

### H. Parent Participation:

1. Actively involve parents in the development of the plan.
2. Consider parent suggestions for accommodations.
3. If parents disagree with the plan, document their concerns and provide information on dispute resolution options.

### I. Student Participation:

1. When appropriate, involve the student in developing the plan.
2. Encourage student input on effective accommodations.

### J. Implementation Timeline:

1. Specify when each accommodation will begin.
2. Ensure all accommodations are in place within 10 school days of plan development.

### K. Staff Notification:

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1. Develop a process to notify all relevant staff of the 504 plan within 5 school days.
  2. Provide training on implementation if needed.
- L. Review and Revision:
1. Set a date for the annual review of the plan.
  2. Specify conditions under which the plan may be reviewed earlier (e.g., parent request, significant change in student's needs).
- M. Transition Considerations:
1. For students transitioning between schools or to post-secondary settings, include specific transition plans.
- V. Implementation of 504 Plan
- A. Distribution of Plan:
1. The Section 504 Coordinator will distribute the plan to all relevant school personnel within 5 school days of its development.
  2. Recipients should include:
    - a) *All of the student's teachers*
    - b) *School administrators*
    - c) *Counselors*
    - d) *Nurses (if health-related accommodations are included)*
    - e) *Other staff responsible for implementing accommodations*
- B. Acknowledgment of Receipt:
1. Each person responsible for implementing accommodations will sign an acknowledgment form indicating they have received, read, and understood the 504 plan.
  2. These signed forms will be kept on file by the Section 504 Coordinator.
- C. Staff Training:
1. The Section 504 Coordinator will provide training on implementation if needed.
  2. This may include:
    - a) *General training on 504 plans and legal requirements*
    - b) *Specific training on implementing particular accommodations*
  3. Document all training provided, including dates, attendees, and content.

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- D. Implementation Timeline:
1. All accommodations should be in place within 10 school days of plan development.
  2. If there are delays in implementation, document the reasons and communicate with parents.
- E. Documentation of Implementation:
1. Teachers will document the use of accommodations in their lesson plans or grade books.
  2. For testing accommodations, document their use on test protocols or answer sheets.
- F. Monitoring Implementation:
1. The Section 504 Coordinator will conduct periodic checks to ensure accommodations are being implemented.
  2. This may include:
    - a) *Classroom observations*
    - b) *Review of student work samples*
    - c) *Interviews with the student and teachers*
- G. Student Involvement:
1. When appropriate, teach the student how to use and advocate for their accommodations.
  2. Encourage the student to report any issues with accommodation implementation.
- H. Parent Communication:
1. Establish a system for regular communication with parents about the implementation of the plan.
  2. This could include progress reports, emails, or scheduled check-ins.
- I. Addressing Implementation Challenges:
1. If challenges arise in implementing accommodations, address them promptly.
  2. This may involve:
    - a) *Meeting with teachers to problem-solve*
    - b) *Adjusting accommodations if they're not effective*
    - c) *Providing additional resources or support to staff*

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- J. Interim Reviews:
  - 1. Conduct brief reviews of the plan's effectiveness at natural break points (e.g., end of each grading period).
  - 2. Document these reviews and any adjustments made.
- K. Transition Between Classes/Teachers:
  - 1. Develop a process for communicating 504 plans when students change classes or teachers mid-year.
- L. Substitute Teachers:
  - 1. Ensure a system is in place to inform substitute teachers of 504 accommodations.
- M. Extracurricular Activities:
  - 1. If accommodations apply to extracurricular activities, ensure relevant coaches or advisors are informed and trained.
- N. Documentation Retention:
  - 1. Maintain records of all aspects of 504 plan implementation.
  - 2. This documentation may be crucial in case of disputes or compliance reviews.
- VI. Review and Reevaluation
  - A. Annual Review:
    - 1. The 504 plan will be reviewed at least annually.
    - 2. Schedule the annual review meeting within 365 days of the previous plan development or review.
    - 3. Provide written notice to parents at least 7 calendar days before the meeting.
  - B. Annual Review Meeting:
    - 1. Participants should include:
      - a) *The student's parent(s)/guardian(s)*
      - b) *At least one of the student's general education teachers*
      - c) *The Section 504 Coordinator or designee*
      - d) *Other relevant school personnel as appropriate*
    - 2. Review the current 504 plan, discussing:
      - a) *Effectiveness of current accommodations*
      - b) *Student's academic progress*

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c) *Any changes in the student's needs*

### C. Plan Revision:

1. Based on the review, the team may:
  - a) *Continue the current plan without changes*
  - b) *Modify the existing accommodations*
  - c) *Add new accommodations*
  - d) *Remove accommodations that are no longer needed*
2. Document all changes and the rationale for each change.

### D. Reevaluation:

1. A reevaluation will be conducted at least every three years.
2. Reevaluation may occur more frequently if:
  - a) *Significant changes in the student's disability or needs are observed*
  - b) *The student's parents or teachers request a reevaluation*
  - c) *The student is not making expected progress*

### E. Reevaluation Process:

1. The reevaluation process will follow the same procedures as the initial evaluation, including:
  - a) *Obtaining parental consent for reevaluation*
  - b) *Gathering updated information (e.g., grades, test scores, teacher observations)*
  - c) *Conducting new assessments if necessary*

2. The reevaluation must be completed within 60 calendar days of receiving parental consent.

### F. Eligibility Redetermination:

1. Following the reevaluation, the team will reconvene to determine if the student continues to be eligible under Section 504.
2. If the student remains eligible, develop a new or revised 504 plan.
3. If the student is no longer eligible, provide written notice to parents explaining the decision and their right to appeal.

### G. Significant Change in Placement:

1. Before any significant change in placement (e.g., long-term removal, change to a substantially different educational program), conduct a reevaluation.



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- H. Documentation:
    - 1. Maintain detailed records of all reviews and reevaluations, including:
      - a) *Meeting notes*
      - b) *Updated information and assessment results*
      - c) *Revised 504 plans*
      - d) *Parent communications*
  - I. Parent Participation:
    - 1. Actively involve parents in the review and reevaluation process.
    - 2. If parents are unable to attend the meeting, seek their input through other means (e.g., phone conference, written input).
  - J. Student Input:
    - 1. When appropriate, involve the student in the review process.
    - 2. Encourage the student to share their perspective on the effectiveness of accommodations.
  - K. Transition Planning:
    - 1. For students nearing transition points (e.g., moving to middle or high school, approaching graduation), include transition planning in the review process.
  - L. Discontinuation of 504 Plan:
    - 1. If a student no longer needs a 504 plan, document the reasons and provide written notice to parents.
    - 2. Inform parents of their right to request a reevaluation if they disagree with the decision to discontinue the plan.
- VII. Procedural Safeguards
- A. Notice of Rights:
    - 1. Provide parents with a written Notice of Procedural Safeguards at least annually.
    - 2. Additional times to provide the notice include:
      - a) *Upon initial referral for evaluation*
      - b) *Upon request for evaluation by the parent*
      - c) *When a complaint is filed*
      - d) *Upon request by the parent*
  - B. Content of Procedural Safeguards Notice:

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1. The notice must include information about:
  - (1) The right to examine all relevant records
  - (2) The right to participate in all meetings regarding identification, evaluation, and placement
  - (3) The right to request an impartial hearing to challenge district decisions
  - (4) The right to be represented by counsel in the impartial hearing process
  - (5) The right to file a complaint with the Office for Civil Rights (OCR)
- C. Access to Records:
  1. Parents have the right to inspect and review all education records related to their child.
  2. Provide access to records within 45 days of the request.
  3. Provide copies of records if failure to do so would effectively prevent the parent from exercising their right to inspect and review the records.
- D. Parental Consent:
  1. Obtain written parental consent before conducting an initial evaluation.
  2. Obtain written parental consent before initial placement in Section 504 services.
- E. Impartial Hearing:
  1. Parents have the right to request an impartial hearing if they disagree with identification, evaluation, or placement decisions.
  2. The district must:
    - a) *Provide written notice of the right to a hearing*
    - b) *Designate an impartial hearing officer*
    - c) *Allow the parent to be represented by counsel*
    - d) *Provide the parent with a written decision from the hearing officer*
- F. Mediation:
  1. Offer mediation as an option to resolve disputes.
  2. Mediation must be voluntary for both parties.
  3. The mediator must be impartial and trained in effective mediation techniques.

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- G. Complaint Procedures:
    - 1. Establish and communicate a process for parents to file complaints regarding Section 504 issues.
    - 2. Investigate and respond to complaints in a timely manner.
    - 3. Inform parents of their right to file a complaint with OCR.
  - H. Retaliation Prohibition:
    - 1. Clearly state that the district prohibits retaliation against any individual who exercises their rights under Section 504.
  - I. Language Accessibility:
    - 1. Provide the Procedural Safeguards Notice in the parent's native language or primary mode of communication, unless clearly not feasible to do so.
  - J. Explanation of Rights:
    - 1. Offer to explain the Procedural Safeguards to parents and answer any questions they may have.
  - K. Documentation:
    - 1. Maintain records of all notices provided, including dates and methods of delivery.
  - L. Staff Training:
    - 1. Provide regular training to staff on Procedural Safeguards to ensure they can accurately inform parents of their rights.
  - M. Review and Update:
    - 1. Regularly review and update the Procedural Safeguards Notice to ensure compliance with current laws and regulations.
  - N. Dispute Resolution:
    - 1. Encourage open communication and informal resolution of disputes when possible.
    - 2. Provide information on local advocacy organizations that can assist parents in understanding their rights.
- VIII. Discipline Procedures
- A. General Principle:

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1. Students with disabilities under Section 504 are subject to the same disciplinary procedures as non-disabled students, with additional protections to ensure that they are not punished for behavior related to their disability.
- B. Short-Term Removals:
1. For removals of 10 consecutive school days or less, or a series of shorter removals that do not constitute a pattern:
    - a) *The school may discipline the student in the same manner as non-disabled students.*
    - b) *No manifestation determination is required.*
  2. Document all disciplinary actions taken.
- C. Significant Change in Placement:
1. A disciplinary removal of more than 10 consecutive school days constitutes a significant change in placement.
  2. A series of removals totaling more than 10 cumulative school days in a school year may constitute a pattern and a significant change in placement if:
    - a) *The removals are for similar behavior*
    - b) *The length of each removal, total amount of time removed, and proximity of removals to each other are considered*
- D. Manifestation Determination:
1. Before any disciplinary action that would constitute a significant change in placement:
    - a) *Schedule a manifestation determination meeting within 10 school days of the decision to change placement.*
    - b) *The 504 team, including the parent, must conduct a manifestation determination.*
  2. The team must determine:
    - a) *If the behavior was caused by, or had a direct and substantial relationship to, the student's disability.*
    - b) *If the behavior was a direct result of the school's failure to implement the 504 plan.*
- E. Manifestation Determination Outcomes:
1. If the behavior is a manifestation of the disability:
    - a) *The student may not be disciplined.*

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b) *The 504 team must conduct a functional behavioral assessment (FBA) and implement a behavioral intervention plan (BIP), or review and modify an existing BIP.*

c) *Return the student to the placement from which they were removed, unless the parent and school agree to a change of placement.*

2. If the behavior is not a manifestation of the disability:

a) *The student may be disciplined in the same manner as non-disabled students.*

F. Provision of Services During Removal:

1. For removals exceeding 10 consecutive school days, or a pattern of removals exceeding 10 cumulative school days:

a) *The school must provide educational services to enable the student to continue participating in the general education curriculum and progress toward 504 plan goals.*

b) *The 504 team determines the appropriate services.*

G. Special Circumstances:

1. School personnel may remove a student to an interim alternative educational setting for up to 45 school days, regardless of manifestation, if the student:

a) *Carries or possesses a weapon at school*

b) *Knowingly possesses or uses illegal drugs at school*

c) *Sells or solicits the sale of a controlled substance at school*

d) *Inflicts serious bodily injury upon another person at school*

H. Appeal Process:

1. Inform parents of their right to appeal disciplinary decisions through the district's 504 grievance procedures or by requesting an impartial hearing.

I. Behavior Intervention Plans (BIPs):

1. Develop or review BIPs for students with recurring behavioral issues.

2. Ensure all staff working with the student are trained on implementing the BIP.

J. Documentation:

1. Maintain detailed records of all disciplinary actions, manifestation determinations, and services provided during removals.

K. Training:

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1. Provide regular training to administrators and staff on 504 discipline procedures.
- L. Monitoring:
1. Regularly review discipline data for students with 504 plans to identify any patterns or areas of concern.
- M. Documentation:
1. Maintain detailed records of all disciplinary actions, manifestation determinations, and services provided during removals.
- N. Training:
1. Provide regular training to administrators and staff on 504 discipline procedures.